THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No.25616 OF 2000

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Dated: August 8, 2005

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Between:

The APSRTC, rep. by its Regional Manager,

Tirupathi, Chittoor District.

… Petitioner

And

State Transport Appellate Tribunal, A.P.,

Hyderabad, rep. by its Presiding Officer,

And others.

… Respondents

Order:

This writ petition is filed seeking Mandamus declaring the order dated 11-08-2000 in

A.P.No.427/99, on the file of the 1st respondent, as arbitrary and illegal, and to consequently set aside the same.

2. The Andhra Pradesh State Road Transport Corporation, represented by its Regional Manager, Chittoor, is the petitioner in the present writ petition. It is the case of the petitioner that the

3rd respondent made an application before the 2nd respondent, the Secretary, Regional Transport Authority, Chittoor District, seeking a pucca stage carriage permit to ply on the town service route from Palamaneru P.S. Corner to Venkatesapuram (via) Maddipetakotur Cross Road, Jallipeta and Mudivaripally; the total length of the said route is

6 kilometers, out of which a distance of 1.5 kilometers lies within municipal limits and the remaining 4.5 kilometers lies outside the municipal limits. It is stated that the said application filed by the 3rd respondent has been rejected, by the 2nd respondent by his order dated 13-07-1999, holding that the authorities cannot sanction any route and it is only the State that can formulate the routes for stage carriage permits, as specified under Section 68 of the Motor Vehicles Act, 1988 ('the Act' for brevity) and the route contemplated under Section 68 (3) (ca) is a route different from the route contemplated by the scheme formulated under Section 99 of the Act.

3. Petitioner states that aggrieved by the said rejection order dated 13-07-1999; the 3rd respondent preferred an appeal in A.P.No.427/99 before the 1st respondent, which was allowed by his order dated

11-08-2000, directing the second respondent to grant a pucca stage carriage permit on the proposed route. It is that order, which is under challenge in the present writ petition.

4. Learned counsel for the petitioner contended that the

3rd respondent made an application for grant of a pucca stage carriage permit to ply as town service on the proposed route and unless the said route is formulated by the Government under Section 68(3) (ca) of the Act, the Regional Transport Authority will not get jurisdiction to consider the said application for grant of permit, which the Tribunal considered inadvertently. In support of his contention, he placed reliance on a judgment of this Court in **W.P.No.11419 of 1999 dated 14-06-2004,** wherein a learned single Judge, while allowing the aforementioned writ petition, held as under:

"This Court in **APSRTC, Musheerabad, Hyderabad V. State**

Transport Appellate Tribunal, Hyderabad categorically held that unless the route is formulated as contemplated under Section 68(3) (ca) of the Act, no permit can be granted by the Regional Transport Authority. The said judgment was affirmed by a Division Bench of this Court in **N. Swarnalatha V. Managing Director, APSRTC, Hyderabad .**

Having regard to the fact that unless the route is formulated by the Government under Section 68(3) (ca) of the Act, the Regional Transport Authority will not get jurisdiction to consider the application and in view of the above judgments, as order passed by the first respondent suffers from legal infirmities, the same cannot be sustained.

Accordingly, the writ petition is allowed and the impugned order is set aside. No costs."

5. The law is well settled that unless the route is formulated as contemplated under Section 68(3) (ca) of the Act, no permit can be granted by the Regional Transport Authority.

6. Inasmuch as the said route is not formulated by the Government under Section 68(3) (ca) of the Act, the Regional Transport Authority will not get jurisdiction to consider the application of the 3rd respondent. Hence, the impugned order cannot be sustained and is accordingly set aside.

7. The writ petition is accordingly allowed. No order as to costs.

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N.V. RAMANA, J

August 8, 2005

MRR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this the eighth day of August Two thousand and five.